

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 15, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas and Anthony W. Cobos. Late Arrival: Robert A. Cushing, Jr. at 9:09 a.m. and Paul J. Escobar arrived at 9:22 a.m. Absent: None. The invocation was given by Reverend Lisle H. Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

Poison Prevention Week

NO ACTION WAS TAKEN on the El Paso CVB & CPAC Presentation.

[Bill Blaziek, El Paso Convention and Visitors Bureau, (915) 534-0603]

Mr. William Blaziek, General Manager, El Paso Convention and Visitors Bureau and El Paso Performing Arts Center, gave a Powerpoint presentation (on file in the City Clerk's office) and responded to questions and/or comments of Council Members.

Mr. Aran Rush, Assistant General Manager, El Paso Performing Arts Center, commented.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **DELETE** the following item:

Sun Metro's discipline policy for dealing with drivers who are rude, abusive, and insulting to senior citizens, school students and the handicapped. [Albert D. Jefferson]

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **DELETE** the discussion and action on creating a Land Trust for the City of El Paso, Texas. The purpose is to set aside undeveloped land in a natural state as open space for the citizens of El Paso, Texas.

[Lisa Turner]

- A. That a Board is created;
- B. That partnerships are created with other organizations;
- C. That all avenues of funding be explored to include grants;
- D. That said Board be created within 30 days of this date.

NO ACTION WAS TAKEN on the following item: West Texas and Southern New Mexico Chapter of the Muscular Dystrophy Association (MDA) announces the MDA Lockup 2005. [Richard Schechter]

Ms. Gina Lynn Ortega, Chair, Muscular Dystrophy Association (MDA), commented.

Ms. Kathy Morton, Assistant Director of Muscular Dystrophy Association (MDA), commented and responded to questions of Representative Cushing.

Mr. Richard Schechter, citizen, commented.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the **MINUTES** for the Special City Council Meeting of February 17, 2005 (Joint Meeting with Las Cruces City Council).

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of March 8, 2005.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the Resolution that the Director of Aviation be authorized to establish an aircraft rehabilitation area for the temporary storage of two (2) aircraft previously classified as “dead storage” and to establish regulations for the use of the area. The fee for use of the area shall be \$1,000.00 per month and the use shall be limited to a total of 180 days per aircraft.

Representatives Lozano and Ortega were not present for the vote.

There was no discussion.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City, a Contract of Sale between the CITY OF EL PASO and NORMA A. CORRAL for the purchase of a 58.9 square foot parcel of land, being a portion of Lot 9, Block 20, Second Amended Map of West Ysleta, El Paso, El Paso County, Texas (Parcel 4), to be used as for the purpose of right-of-way requirements related to the construction of the Dorbandt Street & Drainage Improvement Project.

***RESOLUTION**

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements, and Proposition No. 3 included a specific project name "Street Resurfacing Program" (District 2), which is described as resurfacing of existing streets; and,

WHEREAS, the "Street Resurfacing Program" (District 2) project description requires the priorities and locations to be approved by City Council; and

WHEREAS, City Council has reviewed the submitted priorities and locations,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Council approves Attachment "A" as the priorities and locations under the "Street Resurfacing Program" (District 2) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election. (Attachment "A" on file in the City Clerk's Office)

***RESOLUTION**

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements, and Proposition No. 3 included a specific project name "Street Resurfacing Program" (District 7), which is described as resurfacing of existing streets; and,

WHEREAS, the "Street Resurfacing Program" (District 7) project description requires the priorities and locations to be approved by City Council; and

WHEREAS, City Council has reviewed the submitted priorities and locations,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Council approves Attachment "A" as the priorities and locations under the "Street Resurfacing Program" (District 7) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election. (Attachment "A" on file in the City Clerk's Office)

***RESOLUTION**

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements, and Proposition No. 3 included a specific project name "Street Resurfacing Program" (District 8), which is described as resurfacing of existing streets; and,

WHEREAS, the "Street Resurfacing Program" (District 8) project description requires the priorities and locations to be approved by City Council; and

WHEREAS, City Council has reviewed the submitted priorities and locations,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Council approves Attachment "A" as the priorities and locations under the "Street Resurfacing Program" (District 8) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election. (Attachment "A" on file in the City Clerk's Office)

***RESOLUTION**

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for the purpose of providing funds for permanent public improvements, and Proposition No. 3 included a specific project name "Street Resurfacing Program" (Citywide), which is described as resurfacing of existing streets; and,

WHEREAS, the "Street Resurfacing Program" (Citywide) project description requires the priorities and locations to be approved by City Council; and

WHEREAS, City Council has reviewed the submitted priorities and locations,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Council approves Attachment "A" as the priorities and locations under the "Street Resurfacing Program" (Citywide) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election. (Attachment "A" on file in the City Clerk's Office)

***RESOLUTION**

WHEREAS, the Economic Development Department of the City has frequent requirements for economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessment services; and,

WHEREAS, The CITY has determined that the Institute for Policy and Economic Development of the University of Texas at El Paso (UTEP) is qualified to provide such assessments, training and services; and,

WHEREAS, UTEP is willing to provide such assessments, training and services to the City; and

WHEREAS, the Texas Interlocal Cooperation Act, TEXAS GOVERNMENT CODE, §§791.001, et seq., allows local governments and political subdivisions of the state to contract among each other for governmental functions and services; and

WHEREAS, it is the intent of the City and UTEP that they enter into an Interlocal Agreement to provide for such assessments, training and services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EL PASO:

THAT the Mayor be authorized to sign the Interlocal Agreement with the University of Texas at El Paso (UTEP) under which the Institute for Policy and Economic Development of UTEP shall provide economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessments services, all as requested by the Economic Development Department of the City. The Agreement shall be for a term of one year, subject to renewal on mutual agreement, with a maximum cost to the City of \$30,000 per year.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Business & Financial Manager** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5221**. The Grade is **PM 81**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Upper Rio Grande Workforce Development Area Interlocal Agreement between the City of El Paso and the Counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio, Texas, to provide for a restatement of the intention of the parties expressed in the August 6, 2001, Interlocal Agreement to continue in effect the previously constituted local workforce development board for the Upper Rio Grande Workforce Development Area (URGWDA), and to provide information, as required under the Workforce Investment Act (TEX. GOV'T CODE Chap. 2308 (West 2004)), to the Texas Workforce Commission.

***RESOLUTION**

Whereas the County's Election Administrator has advised the City of the need to change one location for mobile voting for the City's May 7, 2005 general election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Exhibit B attached to the City's Revised Resolution calling the 2005 general election in the City of El Paso on May 7, 2005 shall be revised as contained in the attached Exhibit and this revision shall be incorporated into the City's election order as to be posted and published for the notice to the public. (Exhibit B on file in the City Clerk's Office)

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for service to the Downtown Library, located at 501 N. Oregon, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 1000 KVA transformer will be installed to service the electrical load.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for service to the El Paso History Museum, located at 501 N. Oregon, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 750 KVA transformer will be installed to service the electrical load.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the City of El Paso and Sexual Trauma and Assault Response Services to provide outreach emergency counseling and follow-up public health services for the reported victims of sexual assault in the annual amount of Sixty Thousand and No/100 Dollars (\$60,000.00). The term of this Agreement, regardless of the date of execution, shall be September 1, 2004 through August 31, 2007.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Local Project Advance Funding Agreement accepting Federal Highway Administration Congestion Mitigation and Air Quality funding through the Texas Department of Transportation for the purchase of photogrammetry equipment supporting the Police Department in the amount of \$31,744, a local 20% match of \$7,936, and a total program amount of \$39,680.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make the necessary budgetary adjustments or transfers to carry out the intent of this Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Department of Solid Waste Management be authorized to terminate for Notice the Recycling Agreement Between the City of El Paso and Stewart Title of El Paso dated June 16, 1998 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of February 15, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
7160 North Loop Drive	\$216.50	\$131.93	\$348.43
7160 North Loop Drive	\$75.78	\$27.86	\$103.64

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
7162 North Loop Drive	\$464.13	\$395.59	\$859.72

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
10901 Pelhem	\$82.81	\$9.08	\$91.89

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12th day of April, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2910 Grant Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 7 and 8, Block 5, Castle Heights, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 4, Page 32, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Angel C. Lara, 2910 Grant Avenue, El Paso, Texas 79930, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request to fill the following positions on a **TEMPORARY BASIS** in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Firefighter Trainees (30)**
Fund Source: 22010096-01101-22040
- B. Laborer (43)**
Fund Source: 51010256-011041-51095
- C. Laborer (1)**
Fund Source: 51010215-011041-51095

Representatives Lozano and Ortega were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the following **PROVISIONAL APPOINTMENTS** in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Equipment Operator III (1)**
Fund Source: 62620006-40101-62000
- B. Equipment Operator III (1)**
Fund Source: 320102-01101-32000

Representatives Lozano and Ortega were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVED** the Staffing Table Change for Airport

Add 1.00 Business & Financial Manager PM 81
Fund Source: 62620001-10101-62000

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos , seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Ray Mancera to the City Plan Commission by Representative Jose Alexandro Lozano.

Representatives Lozano and Cushing were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Jan Engles to the El Paso Public Arts Commission by Representative John F. Cook.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Hal Marcus to the Art Museum Advisory Board by Mayor Pro Tempore Anthony W. Cobos.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Heramb Singh to the Art Museum Advisory Board by Mayor Pro Tempore Anthony W. Cobos.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE TWO (2) WEEKS** the board appointment of Daniel De La Haye to the Historic Landmark Commission by Representative Robert A. Cushing, Jr.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Greg Bowling to the Building Board of Appeals as a Homebuilder registered with the Texas Residential Construction Commission by Representative Robert A. Cushing, Jr.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Gerardo L. "Tito" Camacho to the Fair Housing Taskforce by Representative Jose Alexandro Lozano.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Ray Graham to the Workforce Retraining Advisory Committee by Representative John F. Cook.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Romana Grijalva to the Foster Grandparent Program Advisory Council by Representative Vivian Rojas.

Representatives Lozano and Ortega were not present for the vote.

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*Motion made Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** installation, power, and maintenance of **RESIDENTIAL STREET LIGHTS** at the following locations:

- A. 205 McCarthy \$899.00
Dept ID #01010003, Acct#504420, Class #01001, Fund#01101
- B. 1111 Cuba \$899.00
Dept ID #01010003, Acct#504420, Class #01001, Fund#01101

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following **TAX REFUNDS** be **APPROVED**:

- A. Gustavina Carrasco in the amount of \$5,943.99 overpayment of 2004 taxes.
(PID #A520-999-0280-8100)
- B. T. Trent McClure in the amount of \$3,216.44 overpayment of 2004 taxes.
(PID #C214-999-0020-4100)
- C. RBC Centura Mortgage Dept. in the amount of \$4,733.66 overpayment of 2004 taxes.
(PID #C214-999-0020-4500)
- D. GMAC Mortgage Corporation in the amount of \$6,760.29 overpayment of 2004 taxes.
(PID #C801-999-0140-0500)
- E. American Title Company in the amount of \$3,274.79 overpayment of 2004 taxes.
(PID #E073-999-000W-4300)
- F. Sierra Title Co. in the amount of \$3,215.86 overpayment of 2004 taxes.
(PID #F609-999-0050-2100)
- G. Clean Harbor Environmental Services, Inc. in the amount of \$8,030.63 overpayment of 2004 taxes.
(PID #G220-999-0020-0600)
- H. Lawyers Title of El Paso in the amount of \$4,506.97 overpayment of 2004 taxes.
(PID #N425-999-0490-2710)
- I. Elizabeth Ogas in the amount of \$2,527.29 overpayment of 2004 taxes.
(PID #P605-999-0100-0300)
- J. RBC Centura Mortgage in the amount of \$2,510.09 overpayment of 2004 taxes.
(PID #P783-999-0100-6100)
- K. Stewart Title of El Paso in the amount of \$3,341.01 overpayment of 2004 taxes.
(PID #R460-999-0240-0200)
- L. State National Bank in the amount of \$4,016.49 overpayment of 2004 taxes.
(PID #S700-999-0010-1700)
- M. Stewart Title of El Paso in the amount of \$28,735.32 overpayment of 2004 taxes.
(PID #S812-999-0460-0300)
- N. Rocky Mountain Mortgage in the amount of \$2,861.71 overpayment of 2004 taxes.
(PID #V893-999-5140-9760)
- O. Chase Manhattan in the amount of \$5,542.19 overpayment of 2004 taxes.
(PID #V897-999-1090-2700)
- P. Lone Star Title in the amount of \$2,973.54 overpayment of 2004 taxes.
(PID #W145-999-0660-2200)
- Q. Sierra Title Company in the amount of \$2,594.24 overpayment of 2004 taxes.
(PID #C340-999-1060-4700)

- R. Wells Fargo Home Mortgage in the amount of \$4,484.38 overpayment of 2004 taxes.
(PID #C340-999-1520-3200)
- S. United Bank of El Paso del Norte in the amount of \$10,767.25 overpayment of 2004 taxes.
(PID #C522-999-0010-2500)
- T. Juan C. & Terry Salas in the amount of \$2,960.98 overpayment of 2004 taxes.
(PID #H788-011-0140-1200)
- U. Green Point Mortgage in the amount of \$4,039.24 overpayment of 2004 taxes.
(PID #W145-999-0020-0700)

Representatives Lozano and Ortega were not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to authorize to provide \$90 from District 3 Discretionary Funds to the San Juan Senior Center for entertainment during their St. Patrick's Day celebration on March 17, 2005 from 5-8pm.
 Dept ID #01010003, Acct#504420, Class #01001, Fund#01101

Representatives Lozano and Ortega were not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AWARD, AS REVISED**, Bid Solicitation No. 2005-078 Irrigation Equipment & Supplies

Vendor 1:	Ewing Irrigation El Paso, Texas
Item(s):	#1, 3, 4, 5 & 8
Amount:	\$40,000.00 (estimated annually)
Vendor 2:	B & C Turf Equipment Company, Inc. El Paso, Texas
Item(s):	#2, 6 & 7
Amount:	\$75,000.00 (estimated annually)
Department:	Parks & Recreation
Funds available:	51010262-503113-01101
Funding source:	Parks & Recreation General Operating funds
Total award:	\$230,000.00 (estimated)

The Parks & Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Item # 2 & #7 were quoted at identical prices (#2 at - 47% discounts & #7 at - 45% discounts) by two vendors, Ewing Irrigation & B & C Turf Equipment Co, Inc. The Parks & Recreation and Purchasing Departments request that the Mayor and City Council draw lots on these offers to determine award.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

No prompt payment discounts were offered.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Representatives Lozano and Ortega were not present for the vote.

NOTE: Request was revised to reflect that after the drawing of lots, B & C Turf Equipment Co, Inc. won the award of items #2 and #7.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-752 MPO

To reprogram funds granted by New Mexico Department of Transportation, allowing El Paso MPO staff to work with NMSU and Las Cruces MPO staff to develop a regional traffic forecast model on the I-10 corridor between Las Cruces, NM and El Paso, TX. The regional traffic forecast model would be used to evaluate improvements on the I-10 corridor between Las Cruces and El Paso.

Increase	\$64,900	to	68150009/G78050505029/406001	St Grant Proc
Increase	\$64,900	to	68150009/G78050505029/502215	OtsdCnt-NOC
Decrease	\$64,900	from	68150009/G78980105010/406000	FedGrtProc
Decrease	\$64,900	from	68150009/G78980105010/502215	OtsdCnt-NOC

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-763 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$200,000 from 1987A GOs to set up the City's match for a TxDOT project, Loop 375 Spur.

Decrease	\$156,313.41	from	31115108/P59999926061/508027	Construction
Decrease	\$ 43,686.59	from	31115108/P59999926061/504405	OperContgncy
Increase	\$200,000.00	to	31115108/PST0500126061/508027	Construction

Representatives Lozano and Ortega were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** Business License refund to Juanita Villarreal (Water Oasis) in the amount of \$60.00. Funding Source: Account 36010119-404111

Representatives Lozano and Ortega were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Catholic Community of Corpus Christi to hold a Good Friday procession on March 25, 2005 from 11:00 a.m. to 1:30 p.m. Route: Start at 9205 North Loop (church) to Cuernavaca, turn left on Cuernavaca to Warwick, turn left on Warwick to North Loop, turn left on North Loop to Lancaster, turn right on Lancaster to Nottingham, turn left on Nottingham to Plymouth, turn left on Plymouth to Spalding, turn right on Spalding to Elgin, turn right on Elgin to Brandywine, turn left on Brandywine to North Loop, turn right on North Loop to Burgundy, turn left on Burgundy to Morelia, turn left on Morelia to Warwick, turn left on Warwick to Tenango, and finish at the church 9205 North Loop. Approximately 300 person, 1 vehicle, and 2 golf carts will take part. This request includes permission to use amplification (2 microphone and 2 amplifier). PERMIT NO. 05-017 [Mike R. Garcia]

Representatives Lozano and Ortega were not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of St. Patrick Cathedral to hold a Good Friday procession on March 25, 2005 from 9:00 a.m. to 12:00 p.m. Route: Start at the corner of Mesa and Arizona, proceed on Arizona to Stanton, turn right on Stanton to Rio Grande, turn left on Rio Grande to Florence, turn right on Florence to Montana, turn left on Montana to Ange, turn right on Ange to Wyoming, turn right on Wyoming to Virginia, turn right on Virginia, proceed on Virginia to Crosby, turn left on Crosby to Kansas, turn left on Kansas to California, turn right on California to Stanton, return to California on Stanton to Kansas, turn right on Kansas to Nevada, turn right on Nevada, and finish at the church's parking lot. Approximately 300 persons and 2 vehicles will take part. This request includes permission to use amplification (portable microphone).
PERMIT NO. 05-020 [Sister Maureen]

Representatives Lozano and Ortega were not present for the vote.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** budget transfer BT2005-769 COMMUNITY AND HUMAN DEVELOPMENT

This appropriates the available program income balance in the Community Development Block Grant Housing Revolving Loan Fund and increases the account balance for the First Time Home Buyers Program from which projected expenditures are anticipated.

Increase	\$700,000	to	71150039/G710RLFCDAH09903/406040	Prg Income
Increase	\$700,000	to	71150039/G710RLFCDAH09903/505208	FrTmHmByr

Mayor Joe Wardy and Representatives Cobos, Austin, and Ortega commented.

Mr. Robert Salinas, Director, Community and Human Development, commented.

.....
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of the Director of Purchasing that Mayor and Council terminate with Willie's Welding and Radiator Service, Contract No. 2004-136 for Repair Service, Radiators & Tanks, for default pursuant to Clause No. 18B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The user Department was notified and a new solicitation will be issued.

Department: Fleet Service Department

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance amending Title 19 (Subdivisions) of the El Paso Municipal Code by amending Chapter 19.16 (Improvement Standards and Design Principles) Section 19.16.050 (Stormwater Design) Subsection 19.16.050.H (Preservation of Natural Arroyos) to require that the City Plan Commission determine whether to approve a modification of conditions to allow improvements on natural drainage courses known as arroyos. The penalty is as provided in Section 19.04.190 of the Code.

Representatives Lozano and Ortega were not present for the vote.

ORDINANCE 16014

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.04 (PROPERTY TAXES), TO AMEND SECTIONS 3.04.050 (DELINQUENT TAXES—INSTALLMENT PAYMENTS—NONLITIGATED DELINQUENCIES) AND 3.04.060 (DELINQUENT TAXES—INSTALLMENT PAYMENTS—LITIGATED DELINQUENCIES) TO PROVIDE THAT THE INSTALLMENT AGREEMENTS SHALL BE ENTERED INTO AND SIGNED BY THE TAX ASSESSOR/COLLECTOR AND THE CITY MANAGER.**

Mayor Joe Wardy and Representatives Cushing and Austin commented.

The following City staff members commented:

1. Ms. Lisa Elizondo, City Attorney
2. Ms. Elaine Hengen, Assistant City Attorney

1ST MOTION:

Motion made by Representative Austin, seconded by Representative Lozano to **APPROVE** the Ordinance. No vote was taken.

2ND MOTION:

Motion made by Representative Austin, seconded by Representative Lozano and unanimously carried to **AMEND** paragraph 3.04.050(b) to insert “. . . , if applicable, “ after the words City Manager.

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

3RD MOTION:

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **APPROVE** the **ORDINANCE AS AMENDED**.

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

4TH MOTION:

Motion made by Representative Cobos, seconded by Representative Austin to **RECONSIDER** the Ordinance.

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

The City Clerk called for public comment, there was no public comment.

5TH AND FINAL MOTION:

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

.....

Motion made by Representative Cushing, seconded by Representative Lozano and carried to **POSTPONE FOUR (4) WEEKS AND TO MOVE THE ORDINANCE TO A LEGISLATIVE REVIEW COMMITTEE MEETING FOR THE HUMAN RESOURCES DEPARTMENT**, an Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS: Representative Cook

Mayor Joe Wardy and Representatives Cushing, Lozano, Austin, Cook and Cobos commented.

The following City staff members commented:

1. Ms. Elaine Hengen, Assistant City Attorney
2. Ms. Joyce Wilson, City Manager, for the record, asked that an explanation of the Ordinance be given prior to Council postponing the Ordinance. Additionally, Ms. Wilson stated she meets regularly with City employees at an Employee Round Table and at a large employee meeting, noting that employees did not raise any issues at any of those forums or to her directly.
3. Ms. Lisa Elizondo, City Attorney

.....
ORDINANCE 16015

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING THE AUTHORITY TO THE CITY MANAGER TO ENTER INTO AND SIGN CERTAIN CONTRACTS ON BEHALF OF THE CITY AND TO SIGN CERTAIN DOCUMENTS; TO AUTHORIZE THE CITY MANAGER TO APPROVE CERTAIN EVENTS AND ACTIVITIES BY THE VARIOUS DEPARTMENTS OF THE CITY; TO AUTHORIZE THE CITY MANAGER TO ISSUE CERTAIN TYPES OF REFUNDS; TO AUTHORIZE THE CITY MANAGER TO MAKE CERTAIN BUDGET TRANSFERS; TO AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY HANDLE MATTERS PREVIOUSLY ADDRESSED BY RESOLUTIONS OF THE CITY COUNCIL; AND TO SET FORTH THE DELEGATION OF ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER.**

Representatives Austin, Cushing, Cobos and Cook commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney
3. Mr. Byron Johnson, Director of Purchasing
4. Ms. Lisa Elizondo, City Attorney

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Escobar to **APPROVE** the Ordinance. No vote was taken.

2ND MOTION:

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to **AMEND** paragraph 13 as read into the record by Assistant City Attorney Elaine Hengen.

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

3RD MOTION:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to amend paragraph 4 to strike the words "is greater" and replace with the words "limitation is lower".

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

4TH MOTION:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to amend the ordinance language as follows: "not to exceed \$25,000 per annum or the aggregate of \$50,000 on multi-year contacts".

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Rojas and Cobos

NAYS: None

NOT PRESENT: Representative Escobar

The City Clerk called for public comment, there was no public comment.

5TH AND FINAL MOTION:

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

.....
ORDINANCE 16016

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELATING TO THE PROCESS FOR SUBMITTING GRANT APPLICATIONS AND ACCEPTING GRANT FUNDING; AND GRANTING THE AUTHORITY TO THE CITY MANAGER AND DESIGNEE TO SIGN AND SUBMIT GRANT-RELATED DOCUMENTS; AND TO REPEAL SECTION 10 OF ORDINANCE NO. 15791 RELATING TO THE PLACEMENT OF GRANT RELATED ITEMS ON THE CITY COUNCIL AGENDA AND CREATE NEW PROCEDURES.**

Mayor Joe Wardy and Representatives Cushing, Cobos and Austin commented.

The following City staff members commented:

1. Ms. Elaine Hengen, Assistant City Attorney
2. Ms. Joyce Wilson, City Manager

1ST MOTION:

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **AMEND** the ordinance to delete item 6 and to amend the third "Whereas" deleting the following language "... and the El Paso City-County Health and Environmental District" . . .

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

2ND MOTION:

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **AMEND** the ordinance language as read into the record by Ms. Elaine Hengen, Assistant City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None

Mr. Matt Carroll, citizen, commented.

The City Clerk called for further public comment, there was no further public comment.

3RD AND FINAL MOTION:

Motion duly made by Representative Austin, seconded by Representative Rojas, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

.....
ORDINANCE 16017

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE PROCEDURES FOR AMENDING CERTAIN PORTIONS OF THE JOB SPECIFICATIONS; TO REVISE THE PROCEDURES FOR ADVANCEMENT WITHIN PAY GRADE; TO REVISE THE PROCEDURES DETERMINING ENTRY SALARY UNDER THE EXECUTIVE COMPENSATION PLAN; TO REVISE THE PROCESS FOR AUTHORIZING THE USE OF PERSONALLY OWNED TOOLS OR VEHICLES; AND TO REVISE THE PROCEDURES RELATING TO SPECIAL SICK LEAVE.**

Representatives Cushing, Cobos and Austin commented.

The following City staff members commented:

1. Ms. Elaine Hengen, Assistant City Attorney
2. Ms. Lisa Elizondo, City Attorney
3. Ms. Joyce Wilson, City Manager, stated for the record, that the Ordinance is currently in conflict with the City Charter.

1ST MOTION:

Motion made by Representative Cobos, seconded by Representative Rojas and **NOT CARRIED TO POSTPONE FOUR (4) WEEKS AND MOVE THE ORDINANCE TO A LEGISLATIVE REVIEW COMMITTEE MEETING OF THE HUMAN RESOURCES DEPARTMENT.**

AYES: Representatives Cushing, Lozano, Rojas and Cobos

NAYS: Representatives Austin, Cook, Ortega, Escobar and Mayor Wardy

Mayor Joe Wardy voted Nay to break the tie.

The City Clerk called for public comment, there was no public comment.

2ND AND FINAL MOTION:

Motion duly made by Representative Austin, seconded by Representative Cook that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE FOUR (4) WEEKS AND TO MOVE THE ORDINANCE TO A LEGISLATIVE REVIEW COMMITTEE MEETING FOR THE HUMAN RESOURCES DEPARTMENT**, an Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.

Representative Ortega was not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxwell. ZON04-00145.

Representatives Lozano and Ortega were not present for the vote.

.....
ORDINANCE 16018

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING ALL OF THE 20-FOOT WIDE ALLEY WITHIN BLOCK 49, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Cobos commented.

The following City staff members commented:

1. Mr. George Sarmiento, Director, Planning, Research and Development, gave a Powerpoint presentation (on file in the City Clerk's office).
2. Mr. Rudy Valdez, Chief Urban Planner

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16019

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF NINTH AVENUE BETWEEN BLOCKS 31 AND 49, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representatives Cobos and Lozano commented.

The following City staff members commented:

1. Mr. George Sarmiento, Director, Planning, Research and Development, gave a Powerpoint presentation (on file in the City Clerk's office).
2. Mr. Rudy Valdez, Chief Urban Planner
3. Mr. Matt Watson, Assistant City Attorney

Mr. Tommy J. Razloznic, PSRBB Architects, Inc., representative, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Attorney be authorized to sign a Professional Services Letter of Engagement by and between the City of El Paso and Paul A. Braden and/or his firm to provide professional legal services in connection with City of El Paso general bond matters.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Frank Gorman to the El Paso Bond Overview Advisory Committee by Representative Susan Austin, District 1.

Representatives Lozano and Ortega were not present for the vote.

.....
RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Southwest Basketball Tournament, Inc., providing co-sponsorship by the Parks and Recreation Department for the 2005 Southwest Basketball Tournament to be held from April 1, 2005, through April 3, 2005, at Acosta Recreation Center, Carolina Recreation Center, Nolan Richardson Recreation Center and Marty Robbins Recreation Center, for the purpose of fostering tourism as well as providing recreational, cultural and quality of life benefits to the citizens of El Paso. The City, pursuant to

Section 13.24.200, El Paso Municipal Code, will bear a portion of the fee associated with the exclusive use of the facilities referenced above and some support staff to assist with the tournament and Southwest Basketball Tournament sponsor will organize, promote and provide minimal monetary support to conduct the event.

Representative Cook commented.

Dr. Norman Merrifield, Director, Parks and Recreation, commented.

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **APPROVE** the above resolution.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:19 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Ortega was not present for the vote.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** *Jesus Luna vs. Gabriel Peralta, et al*; Cause No. EP-04-CA-0455-PM in the United States District Court for the Western District of Texas. (551.071)
- B.** *Jaime Luevano vs. Gabriel Peralta et al*; Cause No. EP-04-CA-0431-FM in the United States District Court for the Western District of Texas (551.071)
- C.** *United States of America vs. 0.06 Acres of Land in El Paso County, Texas, et al*; Cause No. EP-03-CA-0175 in the United States District Court Western District of Texas. (551.071 and 551.072)
- D.** J.G.W. Foods Chapter 7, Case No. 03-32427. (551.071)

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 12:36 p.m., during which time motions were made as follows:

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to reject the settlement demand and to proceed as recommended by the City Attorney's Office in the lawsuit styled *Jesus Luna vs. Gabriel Peralta, et al*; Cause No. EP-04-CA-0455-PM in the United States District Court for the Western District of Texas.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to reject the settlement demand and to proceed as recommended by the City Attorney's Office in the lawsuit styled *Jaime Luevano vs. Gabriel Peralta, et al*; Cause No. EP-04-CA-0431-FM in the United States District Court for the Western District of Texas.

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously and carried that the City Attorney's Office be authorized to proceed as recommended regarding the lawsuit entitled *United States of America vs. 0.06 Acres of Land in El Paso County, Texas, et. al*; Cause No. EP-03-CA-0175-DB in the United States District Court for the Western District of Texas.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney's Office **be authorized to proceed in the case entitled J.G.W Foods Chapter 7, Case No. 03-32427** as recommended by the City Attorney's Office.

Assistant City Attorney Michelle Little Locke read the motion into the record.

.....
Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to adjourn this meeting at 12:41 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk